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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,256	12/14/2001	Tong Zhang	10017990-1	8704

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EXAMINER	
DUNN, MISHAWN N	
ART UNIT	PAPER NUMBER
2621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/18/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/020,256	ZHANG, TONG	
	Examiner	Art Unit	
	Mishawn N. Dunn	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18,24,25,27 and 29-33* is/are rejected.

7)☒ Claim(s) *19-23,26, and 28* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1-3, 7-16, 24, 27, and 29-31 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 7-11, 16-18, 28, and 29 of copending Application No. 10/020,255. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application are substantially the same as that of the copending application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

2. Application claims 1 and 11, respectively, recite all as recited in copending application claims 1 and 11. Application claim 7 and 27 recites all as recited in copending application claims 7, but the copending claim further recites the "start or stop of music," therefore are deemed narrower than the application claims. Application claims 8-10 and 12-14, respectively, recite all as recited in copending application claims 8-10 and 16-18. Application claims 3, 16, and 31 recites all as recited in copending application claims 28, but the copending claim further recites "delimiting video segments corresponding to said semantically meaningful video scenes... at a beginning of said semantically meaningful video scenes," therefore are deemed narrower than the application claims. Application claims 2, 15, and 30, respectively, recite all as recited in copending application claims 29 and 36, but the copending claims further recite "delimiting video segments corresponding to said semantically meaningful video scenes," therefore are deemed narrower than the application claims. Application claim 29 recites all as recited in copending application claim 35. While all the claims in '255 are not identical to the claims in '256, the scope of the '255 claims are encompassed by the '256 claims, and could have been submitted in that application. Hence, the obviousness double patenting rejection is deemed appropriate.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-5 recite the limitation "said processor." There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, 11, 15-18, 24, and 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Blanchard (US Pat. No. 6,072,542).

7. Consider claim 1. Blanchard teaches a video processing device, comprising: an audio event detecting means for detecting audio events in a video data; and a memory communicating with said audio event detecting means and storing video data and audio data corresponding to said video data; wherein said audio event detecting means detects an audio event in said audio data and indexes said video data at about a beginning of said audio event (col. 4, lines 11-51).

8. Consider claim 2. Blanchard teaches the device of claim 1, wherein said processor indexes said video data by extracting and storing one or more representative video frames (col. 4, line 60 – col. 5, line 8; fig. 3).

9. Consider claim 3. Blanchard teaches the device of claim 1, wherein said processor indexes said video data by inserting index data into said video data (col. 4, lines 43-51).

10. Consider claim 4. Blanchard teaches the device of claim 1, wherein said processor indexes said video data by saving one or more index pointers (col. 4, lines 43-51).

11. Consider claim 5. Blanchard teaches the device of claim 1, wherein said processor indexes said video data by recording one or more time stamps (col. 4, line 65 – col. 5, line 3).

12. Consider claim 11. Blanchard teaches a video processing device, comprising: a processor (col. 2, lines 63-67); a background audio change detector communicating with said processor; and a memory communicating with said processor, said memory storing video data and audio data corresponding to said video data; wherein said background audio change detector detects a background audio change in said audio data and wherein said processor detects semantically meaningful video scenes using detected background audio changes and delimits segments of said video data (col. 4, lines 11-51).

13. Consider claim 29. The method of claim 24, with the step of indexing further comprising indexing said video data at about a beginning of a semantically meaningful video scene (col. 4, lines 43-51).

14. Claims 15-18, 24, and 30-33 are rejected for the same reasons as discussed in the corresponding claims above.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 6, 7, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blanchard (US Pat. No. 6,072,542) in view of Ellis et al. (US Pub. No. 2005/0020223).

2. Consider claim 6. Blanchard teaches all the claimed limitations as stated above, except that said audio event comprises speech.

However, Ellis et al. discloses an audio event comprising speech (pg. 32, para. 0399).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to have an audio event comprising speech, in order to detect a specific audio event.

3. Consider claim 7. Blanchard teaches all the claimed limitations as stated above, except that said audio event comprises music.

However, Ellis et al. discloses an audio event comprising music (pg. 32, para. 0399).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to have an audio event comprising music, in order to detect a specific audio event.

16. Claims 25 and 27 are rejected for the same reasons as discussed in the corresponding claims above.

17. Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blanchard (US Pat. No. 6,072,542) in view of Nonomura et al. (US Pat. No. 6,094,234).

18. Consider claim 8. Blanchard teaches all the claimed limitations as stated above, except that said video processing device comprises a video recorder device.

However, Nonomura et al. discloses a video recorder device (col. 11, lines 1-15; fig. 27).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to us a video recorder device, in order to record the scene change information.

19. Claim 12 is rejected for the same reasons as discussed in the corresponding claims above.

20. Claims 9, 10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blanchard (US Pat. No. 6,072,542) in view of Setogawa et al. (US Pat. No. 5,822,024).

4. Consider claim 9. Blanchard teaches all the claimed limitations as stated above, except that said video processing device comprises a video editor device.

However, Setogawa et al. discloses a video editor device (col. 7, lines 54-67; fig. 7).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to provide a video editor device, in order to edit the recorded data.

5. Consider claim 10. Blanchard teaches all the claimed limitations as stated above, except that said video processing device comprises a video authoring device.

However, Setogawa et al. discloses a video authoring device (col. 7, line 54 – col. 8, line 15; fig. 8).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to provide a video authoring device, in order to create hypertext content.

6. Claims 13 and 14 are rejected for the same reasons as discussed in the corresponding claims above.

Allowable Subject Matter

7. Claims 19-23, 26, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. US Pat. No. 6,973,256

b. US Pat. No. 6,163,510

c. US Pat. No. 5,828,809

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mishawn Dunn
December 11, 2006

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